

Rep. Speier FY20 NDAA Conferenced Provisions

Thirty provisions offered or substantially contributed to by Congresswoman Speier are in the Conferenced FY 2020 National Defense Authorization Act (NDAA) and have been signed into law. An additional eighteen provisions appeared in the House report accompanying the NDAA. These accomplishments cover Military Personnel matters, challenges impacting military women and mothers, and acquisition reform, among other issues.

Military Personnel

Sexual Assault Prevention and Response:

1. Unlawful Command Influence (UCI) Reforms (Sec. 532)—Redefines UCI to protect sexual assault convictions.
2. Special Victims' Counsel (SVC) Program (Sec. 541)—Increases size of SVC and military criminal investigator corps to match needs.
3. Domestic Violence SVCs (Sec. 548)—Creates domestic violence legal counsel program.
4. SVC Paralegals (Sec. 548)—Requires the use of paralegals to support domestic violence legal counsels.
5. SVC Training (550c.)—Requires SVCs be trained to advise clients on civilian versus military jurisdictional decisions.
6. Sentencing Guidelines (Sec. 537)—Requires the services to craft advisory sentencing guidelines for determining criminal punishment, to parallel the federal system. The absence of guidelines in the military system creates unjust discrepancies between sentences for similar crimes.
7. SAPRO Survey Methodology (Sec. 591)—Adds to the definitions used in the active force SAPR survey the term “unwanted sexual contact,” which is consistent with the definition used in the service academy survey and updates a confusing and overly legalistic definition.
8. Academy Survivor Transfer (Sec. 555)—Requires academies to consider inter-academy transfers for assault survivors.
9. Academy Recoupment (Statement of Managers)—Directs service secretaries to mandate service academy superintendents recoup payment for any cadet/midshipmen disenrolled from the academies for criminal misconduct. It will apply to all four years.
10. Military Protective Orders (MPOs) (Sec. 543)—Require military authorities to notify civilian authorities and subsequent commands of military protective orders. It will also require DOD to track the annual numbers of MPOs issued.

Boards of Correction of Military Records (BCMR)/Discharge Review Boards (DRB):

11. BCMR/DRB Appellate Board (Sec. 523)—Creates an appellate process above the current service-specific correction and discharge board system. This should make the boards, which review military service records to ensure individuals have received fair treatment and earned benefits, more generous and fair when making awards to assault survivors and others.
12. DD214 Emails (Sec. 569)—The DD214, the standard form issued to servicemembers upon discharge, will now include a section with servicemembers' emails, which will make it easier to disseminate copies of the form needed to appeal benefits or for follow-on care.

Progress for Women and Mothers:

13. New Mother Deployment Deferral (Sec. 572)—Prevents the services from deploying new mothers for twelve months following childbirth, unless the individual opts out or the Secretary invokes national security interests, to allow new moms the option to bond with their child in the first year of life.
14. Gender Integration of Marine Basic (Sec. 565)—Requires the Marines to integrate their basic training courses, which are the only training across the military still separated on a gender basis. The Marine Corps has fewer women than the other services and has related cultural issues, which could be alleviated by signaling that women and men are equally Marine from day one of training.
15. Child Care Access (Sec. 580)—Requires DOD to report on capacity and demand, increases financial assistance for child care and registration websites. Makes hiring child care providers easier by allowing for fast-tracked background investigations and clearance portability across installations.
16. Reauthorizes the Breast Cancer Research Stamp (Sec. 1737)—Reauthorizes the USPS breast cancer research stamp for 8 years. Since its founding, the breast cancer stamp has raised \$89 million for breast cancer research at DOD and NIH. The stamp was slated to expire in December 2019.
17. Personal Protective Equipment (Sec. 4301)—Increases funding for female body armor procurement by \$2,000,000.

Progress for Military Spouses:

18. Spousal Employment (580F/G)—Extends eligibility to military spouses for an online career assistance program.
19. Licensing for Military Spouses (Sec. 575/577)—Raises the cap the services can pay to help military spouses renew professional licenses in new states after a permanent change of station to \$1,000.

Personnel:

20. Academy Athletes (Sec. 554)—Clarifies policy surrounding accessions for Service Academy athletes by requiring newly commissioned officers to complete at least two years on active duty before seeking athletic employment.

Health Care:

21. Creates *Feres* Doctrine Exemption to Allow Medical Malpractice Suits (Sec. 731)— Gives servicemembers who suffer malpractice at military facilities the right to receive compensation from the military claims system.
22. Quicker Mental Health Access (Sec. 722)—Reduces time for a referral to a private mental health provider if the military system lacks capacity from 30 to 15 days.
23. Medical System Weaknesses (Sec. 747)—Requires GAO to report on weaknesses in the DOD medical system, including eligibility for malpractice insurance among providers.

Misconduct:

24. General Officer and Flag Officer Database (Sec. 510a)—Creates public database of general and flag officers with biographies.

Acquisitions

25. Restricts Price Gouging of Taxpayers (Sec. 803)—Institutes regulations empowering contracting officials to counter the price-gauging tactics used by companies such as TransDigm. Original House version watered down to make it easier for government to not hold contractors accountable, but still institutes new requirements.
26. Research Cybersecurity (Sec. 1648)—Establishes a Protecting Critical Technologies Task Force within DOD.
27. Defense Security Service (DSS) Cybersecurity (Sec. 4301)—Increases cybersecurity-related funding for the Defense Security Service.

Miscellaneous

28. Housing Advocate (Sec. 2984)—Creates DOD-employed military tenant advocates through housing management offices at installations.
29. Workforce Exemption—Successfully removed a provision providing an exemption that would exclude federal civilian employees from representation in negotiations of career path requirements for the defense acquisition workforce.

30. Junior Reserve Officer Training Corps (JROTC) (Sec. 512)—Allows for science, technology, engineering, and mathematics instruction as part of JROTC programs.

Provisions in House-Passed Report:

1. Officer Accountability Report—The Department of Defense Inspector General (DODIG) will report on substantiated reports, instances of commanders receiving negative command climate reports, instances of commanders being reprimanded for mishandling sexual assault and sexual harassment cases, and instances of commanders being reprimanded for mishandling reports of victim retaliation.
2. Domestic Violence Report—Requires GAO to conduct a study on how pervasive domestic violence is within the military, and how each service responds and handles cases of domestic violence.
3. DOD Report on Civilian Sexual Assault—GAO will conduct a study on the prevalence of civilian sexual assault within the DOD, the processes of prevention, reporting, and response, and what can be done to better prevention and response for civilians.
4. Marine Basic Item of Special Interest (ISI)—Contains an ISI calling for Marine basic gender integration in 5 years.
5. Survey/Exit Interviews Scoping Report—Requires the Office of People Analytics to issue a report on how best to use innovative surveying approaches across the services.
6. Chronic Traumatic Encephalopathy (CTE) Research—Requires report on how much research has been focused on CTE versus Traumatic Brain Injury (TBI) and a way forward for detecting CTE in living people.
7. Track Outside Employment—Requires DOD to report on senior officer outside employment requests, grants, denials, and job types.
8. Whistleblower Report Follow-Up—Requires the Secretary of Defense (SECDEF) to provide a plan on how the Department will implement GAO's recommendations on better handling whistleblower cases.
9. Report on Racism in Services—Requires DOD to include questions on workplace surveys to cover exposure to and victimization by white supremacist behavior.
10. GAO Report on Hazing—GAO will conduct a study into how each service handles hazing and what needs to be achieved to standardize hazing responses across the military.
11. Other Transaction Authority (OTA) Report—Expands OTA report to cover past contracts.
12. Frigate Report—Requires the Navy to report on frigate procurement options and processes.

13. Cybersecurity Accountability—Report praises DOD adoption certification standard for contractors providing goods and services.
14. Honoring Walter Jones—Worked with the Marines to start getting a highway in North Carolina renamed for the late Congressman Walter Jones, a leader on Armed Services issues.
15. Stock Ownership Report—Requires DOD report on how many DOD senior officials hold individual stocks in large defense contractors.
16. Logistics Report—Requires DOD report on how military is modernizing logistics.
17. Joint Improvised-Threat Defeat Organization—Includes report helping NGOs access unclassified mine detection research.
18. Experienced Sexual Assault Investigators—Directs the services to analyze what resources and training that investigators and victim support organizations will need to better facilitate justice for survivors.